

AND NOW, this 3rd day of January, 2011;

IT IS HEREBY ORDERED that this action is **DISMISSED** in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

IT IS FURTHER ORDERED that the report and recommendation (ECF No. 11) dated November 12, 2010, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", written over a horizontal line.

Donetta W. Ambrose
United States District Judge

cc: Dominic Joseph Abbott
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S.C.I. Graterford
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